

STARK REAGAN
1111 W. Long Lake Rd.
Suite 202
Troy, Michigan 48098
Telephone: 248-641-9955
Facsimile: 248-641-9921
J. Christopher Caldwell (P36221)

Attorneys for Satterlund Supply Company

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	Chapter 11
)	
MOTORS LIQUIDATION COMPANY)	
f/k/a General Motors Corporation, et al.)	Case No. 09-B-50026 (REG)
)	
Debtors.)	
)	
)	

**RESPONSE OF RECLAMATION CLAIMANT SATTERLUND SUPPLY COMPANY
TO DEBTORS' OBJECTIONS TO CERTAIN 503(B)(9) CLAIMS**

TO THE HONORABLE ROBERT E. GERBER
UNITED STATES BANKRUPTCY JUDGE:

Now Comes Satterlund Supply Company, by its attorneys, Stark Reagan, and states to this Court for its Response to Debtors' Objections to Satterlund Supply Company's Reclamation Claim as follows:

1. Satterlund Supply Company is located in Warren, Michigan, and furnishes piping and other materials to business and industry.
2. On or about February 5, 2009, General Motors NAO Disbursements Center ordered Marpac Ball Valve Pipe in the amount of \$2,590.15. See Exhibit "A."
3. On or about May 8, 2009, Recipient D. Collins of General Motors GM Detroit Assembly received said piping. See Exhibit "A."
4. On June 1, 2009, General Motors filed bankruptcy.

5. On or about June 9, 2009, Reclamation Claimant, Satterlund Supply Company, did send, via certified mail, its Reclamation Demand to Debtor and to Debtor's counsel, and, in addition, did file an Appearance with the Court and a Notice of Reclamation Demand as Docket No. 498. See Exhibit "A."

6. Satterlund's timely filed Reclamation Demand in the amount of \$2,590.11 has not been paid.

7. Debtor alleges that there is a "Trade Agreement" constituting a basis for its Objections, to Satterlund Supply Company's Reclamation Claim.

8. Debtor has not presented any Trade Agreement to Satterlund Supply Company and Satterlund is unaware of any Trade Agreement of Motors Liquidation Company or General Motors Company and, therefore, Debtors' objections should be overruled and denied.

Wherefore, Satterlund Supply Company requests that this Court enter an Order allowing the Reclamation Claim of Satterlund Supply Company as an allowed Administrative Claim under 11 USC § 503(B)(9) and requiring immediate payment of said Allowed Administrative Expense Claim, or in the alternative, an Order allowing the Reclamation Claim under 11 USC Section 546(c) and requiring immediate payment of same.

Respectfully submitted,

STARK REAGAN

By: /s/ J. Christopher Caldwell
J. Christopher Caldwell (P36221)
1111 W Long Lake Road – Ste 202
Troy, MI 48098-6310
248-641-9955

Dated: November 19, 2009

EXHIBIT

“A”

STARK REAGAN

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELLORS

J. Christopher Caldwell
Extension: 230
ccaldwell@starkreagan.com

TROY OFFICE

SUITE 202
1111 WEST LONG LAKE
TROY, MICHIGAN 48068-6310
TELEPHONE (248) 641-9955
FACSIMILE (248) 641-9921
WWW.STARKREAGAN.COM

TRAVERSE CITY OFFICE

475 EASTWOOD SHORES
TRAVERSE CITY, MICHIGAN 49684
TELEPHONE (231) 943-8230
FACSIMILE (231) 943-8711

BONITA SPRINGS OFFICE

267 BAREFOOT BEACH DRIVE
SUITE 402
BONITA SPRINGS, FLORIDA 34134
TELEPHONE (239) 949-0876
FACSIMILE (239) 949-1567

June 9, 2009

Via Certified Mail – Return Receipt Requested

The Debtors
GENERAL MOTORS CORPORATION
Cadillac Building
30009 Van Dyke Avenue
Warren, MI 48090-9025
Attn: Warren Command Center
Mail Code 480-206-114

WEIL, GOTSHAL & MANGES, LLP
767 Fifth Avenue
New York, NY 10153
Attn: Nathan M. Pierce, Esquire

Re: Demand for Reclamation of Satterlund Supply Company

To Whom It May Concern:

Our client, Satterlund Supply Company ("Satterlund") is aware that General Motors Corporation ("GM"), along with its related entities (collectively, the "Debtors"), each filed a voluntary petition for relief under title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the "Bankruptcy Code") in the United States Bankruptcy Court for the Southern District of New York (Manhattan) (the "Bankruptcy Court") on June 1, 2009. Satterlund has shipped certain Goods (defined below) to one or more of the Debtors and the Debtors took possession of such Goods prior to the commencement of their bankruptcy proceedings.

The Debtor receiving such goods was General Motors Detroit-Hamtramck Assy Center, 2500 East General Motors Blvd, Non-Product Receiving Gate C5, Detroit, MI 48211 on May 8, 2009, under Purchase Order GM DTS 03817. The value of the goods GM received is at least \$2,590.11. The products included two #1 Marpac Ball Valves, SSE 790, TTP 01 and two Essex Industries SA 0001x Dead man Handle Assemblies.

Section 2-702 of the Uniform Commercial Code states that where a seller discovers that a buyer received goods on credit while insolvent, the seller may reclaim the goods upon written demand made within 10 days of receipt of the goods by buyer. Section 546(c) of the Bankruptcy Code extends the look-back period to 45 days. In addition, a demand for reclamation may be made within 20 days of the commencement of a buyer's bankruptcy case if the 45-day period expires after the commencement of such buyer's bankruptcy case.

STARK REAGAN

PAGE 2

Pursuant to the above-referenced status, demand is hereby made by Satterlund for the return of the goods listed on the invoices referenced on Exhibit A attached hereto and incorporated by reference herein, and any other goods that are not listed on Exhibit A, but were received in the 45 days preceding the initiation of the Debtors' bankruptcy proceedings (collectively, the "Goods").

Based upon information currently available to us, we believe that the Debtors received the Goods on credit while insolvent within the 45 days preceding the commencement of the Debtors' bankruptcy proceedings, and as of the date of this letter, no part of the purchase price has been paid for such Goods. Accordingly, Satterlund hereby demands that all of the Goods be returned to it immediately pursuant to this reclamation demand. In addition, Satterlund further demands that the Goods be immediately segregated for return to Satterlund. Satterlund expressly prohibits any of the Debtors from further consuming any of the Goods or making any further sales of the Goods to others. The Goods shall be held in trust for Satterlund pending their return.

Moreover, Satterlund is making a demand for payment of the value of any Goods received by the Debtors during the 20 days preceding the commencement of the Debtors' bankruptcy cases. Section 503(b)(9) of the Bankruptcy Code grants an administrative claim to sellers of goods received by a debtor in the ordinary course of business 20 days prior to the filing of a debtor's bankruptcy petition.

Finally, GM and its related entities may have made representations of solvency to Satterlund within three months before delivery of the Goods thereby entitling Satterlund to additional reclamation rights under Applicable law. Satterlund expressly retains any and all such additional rights of reclamation.

Please promptly confirm that the Debtors will honor Satterlund's reclamation demand and payment demand for the Goods.

Very truly yours,

STARK REAGAN



By: J. Christopher Caldwell
Its: Attorney

cc: Mr. Frederick P. Satterlund
Michael H. Whiting, Esq.
Brian Shoichi Masumoto, Office of the U.S. Trustee
Joseph R. Sgroi, Esquire
Stephen Karotkin, Esquire

INVOICE

Satterlund SUPPLY COMPANY
Specializing in Products for the Piping Industry

A. M. MCCARTHY
& SONS CO.

INVOICE NO.

213183

INVOICE DATE

05-08-09

26277 Sherwood Ave. • Warren, MI 48091
(586) 755-9700 • FAX (586) 755-9713

SOLD TO GM NAO DISBURSEMENTS CENTER
P.O. BOX 2000
FLINT, MI 48501-2000

SHIP TO DETROIT-HAMTRAMCK ASSY CTR
2500 E. GENERAL MOTORS BLVD
NON-PRODUCT RECEIVING GATE C5
DETROIT MI 48211-2002

CUSTOMER	SHIP VIA	DATE SHIPPED	SSC ORDER NO.	SLSM	CUSTOMER PURCHASE ORDER	PAGE	
341	DOT RYA/GS	05-08-09	166629	DW	DTS 03817	1	
ROB	ORDER DATE	TAX	AREA	TERMS	ORDERED BY		
SHIPPING PT	02-05-09	Y	19	NET 10TH PROX	ROB BARNES		
QTY. ORD.	QTY. SHPD.	QTY. B/O	PART NO. / DESCRIPTION	U/M	UNIT PRICE	DISC. %	NET AMOUNT
2	2	0	999990 1 MARPAC BALL VALVE SSE 790 TTF 01-Z W/ DEAD MAN HANDLE ASSEMBLY 8A0001X INSTALLED	EA	1.292.00		2.584.00

We hereby certify that these goods were produced in compliance with all applicable requirements of Section 6, 7 and 12 of the Fair Labor Standards Act, as amended, and of regulations and orders of the United States Department of Labor issued under Sec. 14 thereof.

SEE REVERSE SIDE FOR ADDITIONAL TERMS & CONDITIONS

GROSS AMOUNT	TAX	FREIGHT	MISC.	TOTAL INVOICE
2.584.00		6.15		2.590.15

ORIGINAL INVOICE

Satterlund**SUPPLY COMPANY***Specializing in Products for the Piping Industry*

Date:

5-8-09

Driver:

Ray

Satterlund	Customer	No. of	Recipient	Print Name
Sales Order No.	Name	Boxes/Pipe	Signature	Of Recipient
166629	Q.M. Det. H.M.	1	Don Collins	D. COLLINS

SATTERLUND SUPPLY COMPANY
26277 SHERWOOD AVENUE
WARREN, MI 48091
(586) 755-9700 FAX (586) 755-9713

Q14865 01-29-09 1

341

GM MAG DISBURSEMENTS CENTER-
P. O. BOX 2000
FLINT, MI 48501-2000

DETROIT-HAMTRAMCK ASSY CTR
2500 E. GENERAL MOTORS BLVD
NON-PRODUCT RECEIVING GATE C5
DETROIT, MI 48211-2002

ROB BARNES 01-29-09 NET 10TH PROX

19 DAN WRIGHT

1 900010	EA	2	525.0000	1,050.00
1 MARPAC BALL VALVE				
SSR 790 TTP 01				
2 999990	EA	2	767.0000	1,534.00
ESSEX INDUSTRIES SA0001X				
DEAD MAN HANDLE ASSEMBLY				
INSTALLED ON ABOVE VALVE				
3 COMMENTS	EA	1	0.0000	0.00
SPECIAL COMMENTS				
PRICES INCLUDE ALL FREIGHT				
CHARGES. LEAD TIME IS ABOUT				
7 - 8 WEEKS ARO TO DELIVERED.				

Subtotal

2,584.00

2,584.00

Satterlund**SUPPLY COMPANY***Specializing in Products for the Piping Industry*26277 Sherwood Ave. • Warren, Michigan 48091 • (586) 755-9700 • FAX (586) 755-9713
www.satterlund.com E-mail: sattpvf@aol.com

Rob

pott

GM

DTS 03817

2 pcs

Marpac Valve

Essex Industries

7700 Gravois Rd.

St. Louis, Mo 63123

166629

Inv. Value. 39531

Essex 39532

Robert Barnes @

GM.COM

FEB 05 2009

Dan

Stainless, Carbon, Copper, PVC and CPVC Materials in Stock

STARK REAGAN
1111 W. Long Lake Rd.
Suite 202
Troy, Michigan 48098
Telephone: 248-641-9955
Facsimile: 248-641-9921
J. Christopher Caldwell (P36221)

Attorneys for Satterlund Supply Company

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	Chapter 11
)	
MOTORS LIQUIDATION COMPANY)	
f/k/a General Motors Corporation, et al.)	Case No. 09-B-50026 (REG)
)	
Debtors.)	
)	
)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 19, 2009, a true and correct copy of the Response of Satterlund Supply Company to the Debtors' Objections to Reclamation Demand was served via the U.S. Postal Service, first class mail upon the following parties, and through the CM/ECF System for the United States Bankruptcy Court for the Southern District of New York:

The Debtors
General Motors Corporation
Cadillac Building
30009 Van Dyke Avenue
Warren, MI 48090-9025
Attn: Warren Command Center
Mail Code 480-206-114

Weil, Gotshal & Manges, LLP
767 Fifth Avenue
New York, NY 10153
Attn: Joseph H. Smolinsky
Stephen Karotkin
Harvey R. Miller

Honigman Miller Schwartz and Cohn LLP
2290 First National Building
660 Woodward Avenue
Detroit, MI 48226
Attn: Joseph R. Sgroi

Office of the U.S. Trustee
33 Whitehall Street – 21st Floor
New York, NY 10004
Attn: Brian Shoichi Masumoto

/s/ J. Christopher Caldwell
J. Christopher Caldwell